

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

January 12, 2012

8:30 A.M. ROLL CALL

Invocation by Dr. Jason Locke of the College Church of Christ

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Baines - **Presented**

Add-on: Proclamation of "FIRE CHIEF JOEL ARANAZ DAY" – Mayor's Office and All Councilmembers – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and

tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of January 5, 2012

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: None made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Adopt Resolution of Intention No. 1090-D to vacate portions of "F" and "G" Streets northwest of Santa Clara Street and a portion of Santa Clara Street between "F" and "G" Streets, and setting the public hearing for February 2, 2012 at 10:00 a.m. (*Property located in District 3*) – Public Works Dept.
Action Taken: Adopted
- B. Approve an agreement with Provost & Pritchard Consulting Group, Inc. in the amount of \$69,000, with a contingency amount of \$15,000 (total amount will be \$84,000), for the preparation of construction plans and general contract documents for the Copper Avenue Trail project from Friant Road to Chestnut Avenue and to authorize the Public Works Director or his designee to execute the agreement on behalf of the City (*Property located in District 6*) – Public Works Department
Action Taken: Approved
- C. Approval of an agreement with Resources for Independence, Central Valley, Inc. to raise funds, establish partners, and develop an operational plan for the future Universally Accessible Park (*Property located in District 1*) - PARCS
Action Taken: Approved
- D. Reject all bids received for the Digesters #1 and #10 cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) – Department of Public Utilities
Action Taken: Rejected
- E. **RESOLUTION** - Authorizing Public Works Director and/or City Engineer to execute Pacific Gas and Electric (PG&E) agreements of a routine nature for Underground Utility Districts (UUDs) (Citywide) – Public Works Department
Action Taken: Resolution No. 2012-1 adopted
- F. Approval of contract with Yvonne Spence to the position of City Clerk of the City of Fresno
Action Taken: Approved

CONTESTED CONSENT CALENDAR

8:45 A.M.

GENERAL ADMINISTRATION

- A. **RESOLUTION** - Authorizing the submission of applications for grant funds up to \$46,000,000 from the Fresno Council of Governments (COG) 2011 Congestion Mitigation and Air Quality Improvement Program (CMAQ) and the Regional Surface Transportation Program (RSTP) "Call for Projects" and authorizing the execution of all application related documents by the Public Works Director and the Transportation Director or their designee (**Projects located in all Districts**) – Public Works Department
Action Taken: Resolution No. 2012-1 adopted

9:00 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of January 5, 2012

Action Taken: Laid over

- A. Report on Redevelopment Agency dissolution
Action Taken: Report made
1. Creation of Council subcommittee to assist with transition and related transition items
Action Taken: Resolution No. 2013-3 adopted (Chair Baines, Vice Chair Westerlund and Councilmember Brand appointed to sub-committee)

ADJOURN AGENCY

9:15 A.M.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a) (Councilmember Brand)
1. **Case Name:** City of Fresno v. Raps Fresno, LLC, et al. (also known as "Hotel Fresno"); Fresno Superior Court Case No. 05CECG01744
Action Taken: Laid over two weeks.

9:30 A.M.

CITY COUNCIL

- A. Council consideration of request by developer of Hotel Fresno to release City judgment upon project commencement - Councilmember Brand
Action Taken: Laid over the 1/26/2012 @ 9:30 a.m.

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

HEARING to consider Plan Amendment Application No. A-11-010, Rezone Application No. R-11-014, and environmental findings, filed by Craig Smith, on behalf of AMCAL Multi-Housing, Inc., pertaining to approximately 3.47± acres of property located on the south side of E. Ventura Street between S. Seventh and S. Eighth Streets (**Property located in District 5**) – Development and Resource Management Department

Action Taken: Held

- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-010/R-11-014/C-11-128
Action Taken: Adopted
- b. **RESOLUTION**—Amending the 2025 Fresno General Plan and Roosevelt Community Plan to change the planned land use designation for the subject property from the public facilities planned land use (for 2.84 acres on APN 470-052-02) to the heavy commercial (0.86 ac) and to the medium-high density residential (1.98 ac) planned land use designations and (for 0.26 acres on APN 470-052-03) from the public facilities planned land use to the medium-high density residential planned land use designation
Action Taken: Resolution No. 2012-4 adopted

- c. **BILL**—Amending the Official Zone Map to reclassify 1.98 acres of APN 470-052-02 and 0.26 acres of APN 470-052-03 from the R-1 (*Single Family Residential*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district
Action Taken: Bill No. B-1/Ordinance No. 2012-1 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M. **HEARING** relating to Community Facilities District No. 11, Annexation 44, Tract No. 5997 (*Property located in District 6*) (east side of N. Chestnut Avenue between E. Teague and Shepherd Avenues) – Public Works Department
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken: Resolution No. 2012-5 adopted
- b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken: Resolution No. 2012-6 adopted
- c. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2012-7 adopted
- d. * **BILL** – Levying a special tax for the property tax year 2012-2013 and future tax years with and relating to Community Facilities District No. 11, Annexation No. 44
Action Taken: Bill No. B-2/Ordinance No. 2012-2 adopted

- 10:30 A.M. **HEARING** on proposed amendment to the Master Fee Schedule (MFS) Resolution for the Building Division of the Development and Resource Management Department to correct 12 processing fee titles previously adopted by Council on November 3, 2011 and relating to the recovery of full costs for services provided – Development and Resource Management Department
Action Taken: Held
- a. * **RESOLUTION** - 508th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 correcting twelve (12) processing fee titles in the Building and Safety Services Division of the Development and Resources Management Department
Action Taken: Resolution No. 2012-8 adopted

- 11:00 A.M. **HEARING** to consider Site Plan Review Application No. S-11-052, pertaining to 7.5 ± acres of a 41.36-acre of property located at 5440 E. Olive Avenue, on the south side of E. Olive Avenue west of N. Clovis Avenue (portion of Assessor's Parcel No. 456-030-56) (*Property located in District 4*) – Development and Resource Management Department
Action Taken: Held
- a. **RESOLUTION** – Approving Site Plan Review Application No. S-11-052
Action Taken: Resolution No. 2012-9 adopted, as amended

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT TIMED AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

- a. Appearance by J.D. McCubbin to discuss the homeless – Rescheduled for 1/26/2011
- b. Appearance by Virginia T. Morales to discuss American Ambulance sirens in her neighborhood located at 3005 E. Iowa (*Property located in District 7*) – Appearance made
- c. Appearance by John Fehr to discuss the alleged illegal towing of his automobile from his residence located at 1671 E. Bulldog Lane #107 (*Property located in District 4*) – Not present when called

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Jan 19 – **NO MEETING** – MARTIN LUTHER KING DAY
Jan 26 – 10:00 A.M. REGULAR RDA MEETING re: Redevelopment Agency Housing replacement plan

January 12, 2012

*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION

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AND MAY BE AMENDED AT ANYTIME

Jan.	26 -	11:00 A.M.	WORKSHOP regarding Sustainable Fresno Division – Development and Resource Management Dept.
Feb.	2 -	10:00 A.M.	HEARING re: adoption of a resolution ordering the vacation of portions of “F and “G” Streets northwest of Santa Clara Street and a portion of Santa Clara Street between “F” and “G” Streets